

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

ANTONIO PAYERO and ADAM
MALDONADO, individually and on behalf of
all others similarly situated,

Plaintiffs,

v.

MATTRESS FIRM, INC. and GLOBAL HOME
IMPORTS, INC.,

Defendants.

Case No. 7:21-cv-03061-VLB

Hon. Vincent L. Briccetti

**NOTICE OF MOTION FOR
PRELIMINARY APPROVAL OF CLASS ACTION SETTLEMENT**

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that upon: (1) the accompanying Memorandum of Law; (2) the Declaration of Max S. Roberts, and the exhibits attached thereto (including the Parties' Class Action Settlement Agreement); Plaintiffs Antonio Payero and Adam Maldonado, by and through their undersigned attorneys, will move this Court, before the Honorable Vincent L. Briccetti, United States District Court Judge, Southern District of New York, at the Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas St., Courtroom 620, New York, New York 10601, for an Order, pursuant to Federal Rule of Civil Procedure 23(e): (i) granting preliminary approval of the Class Action Settlement; (ii) provisionally certifying the Settlement Class under Federal Rule of Civil Procedure 23(b)(3) in connection with the settlement process; (iii) appointing Burson & Fisher, P.A. as Class Counsel; (iv) appointing Antonio Payero and Adam Maldonado as the Class Representatives for the Settlement Class; and (v) granting such other, further, or different relief as the court deems just and proper. A Proposed Preliminary Approval Order is submitted herewith.

Dated: January 9, 2023

Respectfully submitted,

By: /s/ Max S. Roberts
Max S. Roberts

BURSOR & FISHER, P.A.

Max S. Roberts
Julian C. Diamond
888 Seventh Avenue
New York, NY 10019
Telephone: (646) 837-7150
Facsimile: (212) 989-9163
Email: mroberts@bursor.com
jdiamond@bursor.com

BURSOR & FISHER, P.A.

Joel D. Smith (*Pro Hac Vice*)
1990 North California Blvd., Suite 940
Walnut Creek, CA 94596
Telephone: (925) 300-4455
Facsimile: (925) 407-2700
Email: jsmith@bursor.com

Proposed Class Counsel